THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO.3 OF 2006

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Date:03-01-2006

Between:

M/s Visweswara Enterprises …Petitioner

And

The Insurance Ombudsman, Hyderabad

And another …Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO.3 OF 2006

O R D E R (Per the Hon'ble Sri Bilal Nazki, J):

This is a writ petition filed challenging the award passed by the Insurance Ombudsman, Hyderabad. The petitioner claimed loss of goods of an amount of Rs.15 lakhs, which were according to him covered by insurance. He made a claim petition before the Insurance Company, which was rejected. Thereafter, he preferred a claim before the Ombudsman in terms of Redressal of Public Grievances Rules, 1998. As there was no settlement in terms of Rule 15 between the parties, the Ombudsman proceeded to give an award under Rule 16. On evidence, he did not

find that the petitioner had been able to prove his claim. The finding of fact given by the Ombudsman is as follows:

> *"There is no recorded evidence about transportation of cotton stock from the two sellers to the stock point i.e., Balaji Pressing Company premises. Details of type of transport, mode of transport, lorry receipts etc., are not available. Though huge transactions amounting to Rs.15 lakhs were allegedly made on credit basis by the insured on a single day i.e., 07-05-2002, just one day prior to the date of accident, not much of documentary evidence is made available to substantiate the trade transaction of entire stock pertaining to the insured. Thus the story of the insured in short through and through and it cannot stick together."*

He also found that

> *"Two sellers namely Sri Vijayashree Cotton Traders, Guntur and Sri Satyasai Cotton Ginning Industries had no credit facility through any bankers. They were also not income-tax assessees. The suspicion in the mind of the insurer that the stocks were transferred only through book adjustment to save the two sellers whose uninsured stocks were burnt cannot be brushed aside as unfounded."*

In our writ jurisdiction, we cannot re-appreciate the evidence produced before the Ombudsman. For these reasons, we dismiss the writ petition. However, the petitioner may seek any other remedies that may be available to him in law. No order as to costs

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(Bilal Nazki, J)

3rd January, 2006

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(S.Ananda Reddy,J)

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